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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,788	01/10/2001	Michael C. Scroggie	CAT729US-SCRCO3	6599
31518	7590	07/13/2009		
NEIFELD IP LAW, PC 4813-B EISENHOWER AVENUE ALEXANDRIA, VA 22304				
EXAMINER				
JANVIER, JEAN D				
ART UNIT		PAPER NUMBER		
3688				
NOTIFICATION DATE		DELIVERY MODE		
07/13/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: MICHAEL C. SCROGGIE, MICHAEL E. KACABA,
DAVID A. ROCHON and DAVID M. DIAMOND

Application No. 09/756,788
Technology Center: 3600

Mailed: July 13, 2009

Before GLORIA HENDERSON, *Review Team Paralegal*
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 7, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter(s) requiring attention prior to docketing are identified below.

PETITIONS

The following petitions were filed by the applicants:

37 CFR 1.144 PETITION FROM REQUIREMENT OF RESTRICTION
Filed Feb. 3, 2005

37 CFR 1.144 PETITION FROM REQUIREMENT OF RESTRICTION
Filed July 1, 2005

37 CFR 1.181 PETITION TO REVIEW A DECISION OF TECHNOLOGY
CENTER DIRECTOR
Filed May 13, 2009

37 CFR 1.181 PETITION TO REVIEW A DECISION OF TECHNOLOGY
CENTER DIRECTOR
Filed May 26, 2009

37 CFR 1.181 PETITION FOR BY TECHNOLOGY CENTER DIRECTOR
Filed June 2, 2009

37 CFR 1.181 PETITION FOR BY THE USPTO DIRECTOR/OFFICE OF
PETITIONS TO REINSTATE APPEAL BRIEF
Filed June 29, 2009

However, there is no indication on the record that the Examiner considered the Petitions listed above.

REPLY BRIEF NOTED

On June 2, 2009, applicants filed a timely Reply Brief. In accordance with the revision effective September 13, 2004, Title 37, Code of Federal Regulations, §41.43 states:

(a)(1)... the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the

final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

Accordingly, it is

ORDERED that the application is electronically returned to the

Examiner:

1. for consideration and proper response of the Petitions listed above;
2. for consideration and proper response to the Reply Brief filed June 2, 2009, and
3. for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA, VA 22304